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Docket No. GZ 2065.23 ELECT.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Susan SCHIAVI, et al.

Assignee: Genzyme Corporation and
Johns Hopkins University School of
Medicine

Filing Date: July 19, 2001

Examiner: Gibbs, Terra C.

Serial No.: 09/909,775

Group Art Unit: 1635

Title: PHOSPHATONIN-RELATED GENE AND METHODS OF USE THEREOF

Commissioner for Patents
Washington, D.C. 20231

**RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. § 121 AND
REQUEST FOR PRELIMINARY AMENDMENT**

Dear Sir:

This paper is filed in response to the Requirement for Restriction issued by the U.S. Patent and Trademark Office on October 1, 2002, in connection with the above-identified application. A response to the Requirement for Restriction originally was due November 1, 2002. Enclosed herewith is a Petition for Three Month Extension of Time and authorization to charge the extension fee to the undersigned's Deposit Account. In view of the Petition and payment of the fee, a response is now due February 1, 2003. Accordingly this response is timely filed.

I. AMENDMENTS

Please amend the subject application as follows:

In the claims:

Please add new claims 15 to 20 as follows:

- N.K.*
5. (Reiterated) A method of reducing phosphate re-absorption in a subject comprising delivering to the subject an effective amount of the FRP-4 protein.
- Sub C2*
15. (New) The method of claim 5, wherein the FRP-4 protein has the amino acid sequence of SEQ ID NO: 2.
16. (New) The method of claim 5, wherein the effective amount of the FRP-4 protein is delivered as a polynucleotide that encodes the FRP-4 protein.
17. (New) The method of claim 16, wherein the polynucleotide comprises a polynucleotide sequence that encodes the amino acid sequence of SEQ ID NO:2.
- A1*
18. (New) The method of claim 16, wherein the polynucleotide that encodes the amino acid sequence of SEQ ID NO:2 comprises the polynucleotide sequence of SEQ ID NO:1.
19. (New) The method of claim 17, wherein the polynucleotide is delivered in a gene delivery vehicle.
20. (New) The method of claim 18, wherein the polynucleotide is delivered in a gene delivery vehicle.

Attached hereto is a marked-up version of the changes made to the claims. The attached page is captioned "Version With Markings To Show Changes Made".

II. REMARKS

Claims 1-14 are pending in the subject application. A requirement for restriction was issued by the Office requiring an election among Groups I through V. Group III, claim 5 is elected with traverse and claims 15 through 20 have been added to depend on claim 5. Support for the new claim is found in the application on page 23, lines 1 through 11, page 30, lines 11 through 33, page 31, lines 21 through 27 and page 44, line 9 through page 45, line 2. An issue of new matter is not raised by the addition of the new claims and entry thereof is respectfully